

**Hanson Construction Materials Pty Limited – Glebe Island Aggregate Handling &
Concrete Batching Facility SSD 8544**

**Submission by the Strata Committee of Strata Plan 80937, 2 Bowman Street, Pyrmont
with respect to the Environmental Impact Statement prepared by Ethos Urban dated 14th
March 2018 in relation to the Plant.**

The Strata Committee of Strata Plan 80937 makes this submission as the elected representative of the Owners Corporation-Strata Plan 80937. The lots and common property of that strata comprise the building known as evolve* situated at 2 Bowman Street, Pyrmont. Evolve* is the closest residential building to the proposed plant. The distance between the building and the plant would be no more than 200-250 metres separated only by the body of water known as Johnston's Bay. The proposal envisages the shipping of materials to the adjacent berth known as GI 1. Ships berthed at GI 1 will be no more than 150-200 metres from evolve*.

Pursuant to the Strata Schemes Management Act 2015, an Owners Corporation has the principal responsibility for the management of the scheme and has, for the benefit of the owners of the lots in the scheme, the management and control of the use of the common property and the administration of the scheme. Given its obligations, the Strata Committee has considered the proposal and EIS in terms of its effects on the Strata scheme and on the Evolve* building and its residents. For this reason, it makes no submission on the effect of the proposal, for example, on marine traffic or road congestion.

In this submission there are references to the "MUF". Those are references to the Multi User Facility proposed by the Port Authority which like the proposed plant will operate 24 hours a day, 7 days a week and will sit adjacent to the proposed plant. Reference to the MUF is found in the EIS.

1. GENERAL COMMENT ON THE EIS

- 1.1. Guideline 4, issued by the Department of Planning, details the minimum requirements of an EIS and relevantly contains at paragraph 3.1 the following:

"3.1. Using plain English

The EIS should provide sufficient technical analysis to allow a detailed understanding of impacts and mitigation measured by those with an interest, responsibility or expertise in specific matters, and a summary of them in non technical language for those who wish to understand the project at a more general level."

- 1.2. The second requirement is an acknowledgement that an EIS will be considered by members of the public who will not necessarily have the expertise to fully understand the technical language used.
- 1.3. With due respect to the authors of the EIS, this requirement has not been achieved in the document, particularly in the sections dealing with noise and vibration where highly technical language continues to be used.
- 1.4. Notwithstanding this, representatives of the Strata Committee have spent a considerable amount of time seeking to understand the contents of the EIS but have been constrained by the technical language used. More is said on this later in the submission in the section entitled "Further Engagement".

2. OBJECTION

For the reasons stipulated below, the Strata Committee objects to the proposal.

3. REASONS FOR OBJECTION

(a) Noise

- (i) The establishment of the plant will cause a significant increase in noise emissions (24 hours a day, 7 days a week) due to the operation of the plant itself and the associated substantial truck and ship movements.
- (ii) At pages 54 and 55 of the EIS, it is conceded that, for Bowman Street, Pyrmont, the predicted construction noise will exceed the maximum allowed level and that, in the operational phase, the maximum sleep disturbance limit will be exceeded.
- (iii) At 2 Bowman Street, the exceedances are likely to be higher due to the building's close proximity to the plant and associated shipping.
- (iv) The exceedances are said to be relatively minimal and will be reduced because the authors understand that the façade treatment of residential buildings in Jackson Landing have been conditioned to mitigate noise. This claim is said to be only an understanding and it is not one that the Strata Committee is aware of. In addition, even if it was the case, it would be of little benefit to evolve* residents as substantial parts of the building are glazed. Moreover, such treatment would only be of assistance to the extent that the occupiers of the effected buildings kept their windows and doors shut at all times. Clearly the noise impact will be significantly greater while doors and windows remain open and on external balconies which

form part of every home unit in the building. In summer months, this claim could only be maintained on the basis that residents keep their doors and windows shut and run their air conditioning units to maintain appropriate cooling levels. This will result in great expense to the residents and is hardly consistent with protecting the environment. Overall, the claim is an argument of little weight.

- (v) The building also compromises open common areas which will feel the full impact of the increase in noise level.
- (vi) In short, it can be reasonably inferred that the actual noise levels will be much greater than those predicted and, as a result, will exceed maximum acceptable levels.
- (vii) As mentioned above, there is concurrent proposal for the MUF. Like the Hanson proposal, the MUF intends to be operational 24 hrs a day, 7 days a week. Again like the Hanson proposal, the MUF will result in ships being berthed at berths GI 1 and 2. An analysis of the MUF proposal and the Hanson proposal suggests that there will be berthed at either GI 1 or GI 2 at least one vessel each day and night and regularly up to three vessels at the same time. The EIS acknowledges the cumulative noise effect of the operation of the Hanson plant and the MUF and the associated shipping but there is no detailed analysis of what the resultant noise levels will be. However it is reasonable to infer that the excesses that are conceded will increase significantly. Relevantly in section 8.4 of the Noise Impact Assessment, which accompanies the EIS, it is stated, "in particular due to the proximity between the GIB1 and the Pyrmont Residential Receivers, port facility noise levels may exceed noise planning goals established in accordance with more conventional approaches to the assessment of industrial noise sources. As described in section 4.3 while the NPfl enables the implementation of a noise management precinct with respects to ports, it does not significantly address the relevant transitory nature of ship noise which once berthed generally has limited opportunity to adjust noise emission". This further supports the contention that the noise levels emitted from the combined operation of both facilities and associated shipping will exceed acceptable levels.
- (viii) At paragraph 3.2 of the Noise Impact Assessment, there is a discussion of the ambient noise environment in the relevant locality. One can understand the need to establish existing ambient noise levels when one is considering activities that will increase noise levels. It appears that in

Pymont the ambient noise level was measured in 2012 at 22 Refinery Drive and not from any building in Bowman Street and certainly not from 2 Bowman Street, Pymont. 22 Refinery Drive, Pymont is located east of 2 Bowman Street. It is reasonable to infer that the ambient noise level at that property will be greater than at 2 Bowman Street given that that location is closer to marine berths and related facilities including berths GI7 and 8 and the White Bay berths including the White Bay cruise terminal. In addition 22 Refinery Drive is in a “more direct line” to the ANZAC Bridge. Unlike the Bowman Street properties which are largely “tucked under” the bridge resulting in far less traffic noise being received. With respect, a proper analysis of noise impact would have required testing to be done to establish ambient noise levels in Bowman Street generally and in particular 2 Bowman Street, Pymont now.

- (ix) Summary of Noise Issue – The Committee is of the view that the proposal should not be allowed to proceed due to the noise emissions referred to above which:
 - (A) will represent a significant increase;
 - (B) the EIS acknowledges will exceed acceptable maximum levels;
 - (C) are extremely likely to exceed the predicted levels particularly once the cumulative effect of the proposed plant, the MUF and the associated shipping are taken into account;
 - (D) in relation to the associated shipping, will be continuous and cannot be properly controlled in any event.

(b) Visual Impact

- (i) The visual impact of the proposed plant will be significant and is unacceptable.
- (ii) As is conceded at paragraph 43 of the EIS, Glebe island is largely flat and provides clear views to the surrounding foreshore areas.
- (iii) The proposed structures will include the establishment of 6 silos with an overall height of 34 metres – just 200 metres from evolve*! The committee believes this would equate to the height of a 10 storey residential building. The total land size occupied by the site would appear to equate to two football fields. On any view this will have a significant impact. However, the EIS does not adequately or at all consider the visual

impact of both the plant and the MUF and more importantly the visual impact of there being anywhere between 1-3 ships berthed adjacent to both facilities. With the combined berth operations, it seems that there will be ships berthed on a daily basis and often more than one. It appears from the report, at least in relation to the plant, these will be large commercial vessels with no aesthetic qualities whatsoever (as one would expect). These vessels will be berthed between 100 and 150 metres from 2 Bowman Street. As a result there will be a significant detrimental visual impact which has not been taken into account at all.

(c) Light Emissions

- (i) It is proposed that the plant will operate through the night and it is also proposed the MUF will do the same. Ships will be berthed at night and will be operational in that period.
- (ii) There will be significant light emissions from both the plant and the MUF.
- (iii) Moreover, there will be significant light emissions by vessels berthed at GI 1 and 2 (some only 100- 150 metres from the building).
- (iv) At page 75 it is conceded the impact of lighting at the park adjacent to 2 Bowman Street will be “high” in all respects. The impact on evolve* will be similarly “high”.
- (v) The light impact will be significant and is unacceptable.

(d) Air Pollution

- (i) Again, in its operational stage, the plant will cause an increase in dust and other emissions. The air quality report clearly concedes that for evolve* residents the predicated pollution levels will exceed maximum allowed levels. This is unacceptable and the proposal should be rejected on that basis alone.
- (ii) Both with respect to the plant and the MUF, it seems already conceded that there is no prospect of ship to shore power, meaning that the vessels will have to run their generators whilst berthed. In addition to the noise effects of this there will be fumes emanating from the vessels whilst berthed.

- (iii) Clause 5.4 of the EIS deals with air quality and concedes that there will be three emission sources, including from berthed ships, but states that they will be within acceptable limits.
- (iv) However there will be emissions contemporaneously from both the MUF and the ships adjacent to it.
- (v) The EIS and the Air Quality Assessment suggest that such emissions should be assessed separately and considered acceptable provided that emissions from each both fall within acceptable limits. Such an approach seems to be at odds with the fact that both facilities will run contemporaneously with associated shipping such that cumulative effect should be taken into account.
- (vi) From time to time, ships have been berthed at GI 1 or GI 2 over the last 10 years. Residents of evolve* have been affected by the fumes emanating from such vessels. Such effect will increase substantially if vessels are berthed almost on a continuous basis.

4. FURTHER ENGAGEMENT

- 4.1. The Committee remains willing to engage further with the proponent and its advisors with respect to the proposal. Having said that, based upon the noise effects referred to above alone, the Committee does not believe night time operations can be acceptable under any circumstances.
- 4.2. The Committee may be prepared to further consider the daytime operation of the plant (other than on weekends and public holidays) but would seek the following:
 - (a) A more plain English explanation of the methodology and analysis used to determine the more important effects eg. noise, visual impact, air pollution, lighting.
 - (b) May wish to meet with the proponent and its advisors to obtain a clearer understating of these aspects.
 - (c) The possible commissioning of a fully independent report to establish the ambient noise levels at 2 Bowman Street and then the noise impact of the proposed plant with the cumulative effect of the associated shipping, the MUF and the shipping associated with the MUF.

This submission represents the views of the elected Strata Committee of 9 people; with one abstention due to a conflict of interest. It does not claim to represent the views of all owners.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Susan Durman', followed by a colon. The signature is fluid and cursive.

Susan Durman

Secretary - Evolve* Strata Committee

Dated: 3 May 2018